

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0302

## HOUSE ENGROSSED NO. **HB1042** - 1/27/97

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to require parolees released under the supervision of the  
2 Department of Corrections and the Board of Pardons and Paroles to pay supervision fees,  
3 to provide for the establishment of supervision fees, and to provide for the deposition of the  
4 fees.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That § 24-15-11 be amended to read as follows:

7 24-15-11. The board may place reasonable restrictions upon a parolee which are designed  
8 to continue ~~his~~ the parolee's rehabilitation. The board, upon granting parole, shall require the  
9 implementation of a restitution plan, ~~where~~ and payment of supervision fees, if reasonably  
10 possible. The prior obligations of child support and restitution payments take precedence over  
11 collection of supervision fees. All restrictions shall be in writing and ~~shall be agreed to and the~~  
12 agreement shall be signed by the parolee.

13 Section 2. That § 24-15A-24 be amended to read as follows:

14 24-15A-24. The board and the department may place reasonable restrictions upon a parolee  
15 which are designed to continue the parolee's rehabilitation. The board and the department shall

1 require the implementation of a restitution plan and payment of supervision fees, if reasonably  
2 possible. The prior obligations of child support and restitution payments take precedence over  
3 collection of supervision fees. All restrictions shall be in writing and shall be agreed to and signed  
4 by the parolee.

5 Section 3. That chapter 24-15 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The Board of Pardons and Paroles and the Department of Corrections may allow inmates  
8 required to pay supervision fees pursuant to § 24-15-11 or 24-15A-24 to substitute community  
9 service work hours for supervision fees.

10 Section 4. That chapter 24-15 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 Any revenue collected pursuant to this Act shall be deposited in the state general fund.

13 Section 5. That § 24-2-29 be amended to read as follows:

14 24-2-29. An inmate is liable for court ordered fines and restitution and any obligation  
15 incurred while under the jurisdiction of the Department of Corrections including those ~~outlined~~  
16 provided for in §§ 24-2-28, 24-7-3, 24-8-9, ~~and~~ 24-11A-19, 24-15-11, and 24-15A-24, and any  
17 other charge owed to the state. Disbursement shall be made from an inmate's institutional  
18 account to defray the inmate's obligation, regardless of the source of the inmate's funds, including  
19 moneys in the inmate's institutional account pursuant to § 24-2-5 and wages earned by the inmate  
20 pursuant to §§ 24-4-9, 24-7-3(3), 24-7-6, 24-8-8, and 24-11A-20.

21 Section 6. That chapter 24-15 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 The Department of Corrections may promulgate rules, pursuant to chapter 1-26, to establish  
24 supervision fee rates to be imposed pursuant to §§ 24-15-11 and 24-15A-24.

1    **BILL HISTORY**

2    January 14 - First read in House and referred to Judiciary. H.J. 30

3    January 17 - Deferred to another day.

4    January 17 - Passed, AYES 8, NAYS 5.

5    January 23 - Second reading House.

6    January 23 - Second reading House. H.J. 101

7    January 23 - Intent to reconsider. H.J. 102

8    January 24 - Reconsidered (vote by which passed/lost), PASSED, AYES 49, NAYS 20.

9    H.J. 111

10   January 24 - Second reading House. H.J. 112

11   January 24 - Passed as amended, AYES 40, NAYS 29. H.J. 112